

1 BEFORE THE
2 BOARD OF REGISTERED NURSING
3 DEPARTMENT OF CONSUMER AFFAIRS
4 STATE OF CALIFORNIA

4 In the Matter of the Accusation)
5 Against:)

6 CHERI SUZANNE RITTER)
7 5544 EAST PARADISE LANE)
8 SCOTTSDALE, ARIZONA 85254)

CASE NO. 2001-154

8 RN LICENSE NO. 470357)
9)

9)
10)
11)
12)
13)
14)
15)
16)
17)
18)
19)
20)
21)
22)
23)
24)
25)
26)
27)
28)
29)
30)
31)
32)
33)
34)
35)
36)
37)
38)
39)
40)
41)
42)
43)
44)
45)
46)
47)
48)
49)
50)
51)
52)
53)
54)
55)
56)
57)
58)
59)
60)
61)
62)
63)
64)
65)
66)
67)
68)
69)
70)
71)
72)
73)
74)
75)
76)
77)
78)
79)
80)
81)
82)
83)
84)
85)
86)
87)
88)
89)
90)
91)
92)
93)
94)
95)
96)
97)
98)
99)
100)
101)
102)
103)
104)
105)
106)
107)
108)
109)
110)
111)
112)
113)
114)
115)
116)
117)
118)
119)
120)
121)
122)
123)
124)
125)
126)
127)
128)
129)
130)
131)
132)
133)
134)
135)
136)
137)
138)
139)
140)
141)
142)
143)
144)
145)
146)
147)
148)
149)
150)
151)
152)
153)
154)
155)
156)
157)
158)
159)
160)
161)
162)
163)
164)
165)
166)
167)
168)
169)
170)
171)
172)
173)
174)
175)
176)
177)
178)
179)
180)
181)
182)
183)
184)
185)
186)
187)
188)
189)
190)
191)
192)
193)
194)
195)
196)
197)
198)
199)
200)
201)
202)
203)
204)
205)
206)
207)
208)
209)
210)
211)
212)
213)
214)
215)
216)
217)
218)
219)
220)
221)
222)
223)
224)
225)
226)
227)
228)
229)
230)
231)
232)
233)
234)
235)
236)
237)
238)
239)
240)
241)
242)
243)
244)
245)
246)
247)
248)
249)
250)
251)
252)
253)
254)
255)
256)
257)
258)
259)
260)
261)
262)
263)
264)
265)
266)
267)
268)
269)
270)
271)
272)
273)
274)
275)
276)
277)
278)
279)
280)
281)
282)
283)
284)
285)
286)
287)
288)
289)
290)
291)
292)
293)
294)
295)
296)
297)
298)
299)
300)
301)
302)
303)
304)
305)
306)
307)
308)
309)
310)
311)
312)
313)
314)
315)
316)
317)
318)
319)
320)
321)
322)
323)
324)
325)
326)
327)
328)
329)
330)
331)
332)
333)
334)
335)
336)
337)
338)
339)
340)
341)
342)
343)
344)
345)
346)
347)
348)
349)
350)
351)
352)
353)
354)
355)
356)
357)
358)
359)
360)
361)
362)
363)
364)
365)
366)
367)
368)
369)
370)
371)
372)
373)
374)
375)
376)
377)
378)
379)
380)
381)
382)
383)
384)
385)
386)
387)
388)
389)
390)
391)
392)
393)
394)
395)
396)
397)
398)
399)
400)
401)
402)
403)
404)
405)
406)
407)
408)
409)
410)
411)
412)
413)
414)
415)
416)
417)
418)
419)
420)
421)
422)
423)
424)
425)
426)
427)
428)
429)
430)
431)
432)
433)
434)
435)
436)
437)
438)
439)
440)
441)
442)
443)
444)
445)
446)
447)
448)
449)
450)
451)
452)
453)
454)
455)
456)
457)
458)
459)
460)
461)
462)
463)
464)
465)
466)
467)
468)
469)
470)
471)
472)
473)
474)
475)
476)
477)
478)
479)
480)
481)
482)
483)
484)
485)
486)
487)
488)
489)
490)
491)
492)
493)
494)
495)
496)
497)
498)
499)
500)
501)
502)
503)
504)
505)
506)
507)
508)
509)
510)
511)
512)
513)
514)
515)
516)
517)
518)
519)
520)
521)
522)
523)
524)
525)
526)
527)
528)
529)
530)
531)
532)
533)
534)
535)
536)
537)
538)
539)
540)
541)
542)
543)
544)
545)
546)
547)
548)
549)
550)
551)
552)
553)
554)
555)
556)
557)
558)
559)
560)
561)
562)
563)
564)
565)
566)
567)
568)
569)
570)
571)
572)
573)
574)
575)
576)
577)
578)
579)
580)
581)
582)
583)
584)
585)
586)
587)
588)
589)
590)
591)
592)
593)
594)
595)
596)
597)
598)
599)
600)
601)
602)
603)
604)
605)
606)
607)
608)
609)
610)
611)
612)
613)
614)
615)
616)
617)
618)
619)
620)
621)
622)
623)
624)
625)
626)
627)
628)
629)
630)
631)
632)
633)
634)
635)
636)
637)
638)
639)
640)
641)
642)
643)
644)
645)
646)
647)
648)
649)
650)
651)
652)
653)
654)
655)
656)
657)
658)
659)
660)
661)
662)
663)
664)
665)
666)
667)
668)
669)
670)
671)
672)
673)
674)
675)
676)
677)
678)
679)
680)
681)
682)
683)
684)
685)
686)
687)
688)
689)
690)
691)
692)
693)
694)
695)
696)
697)
698)
699)
700)
701)
702)
703)
704)
705)
706)
707)
708)
709)
710)
711)
712)
713)
714)
715)
716)
717)
718)
719)
720)
721)
722)
723)
724)
725)
726)
727)
728)
729)
730)
731)
732)
733)
734)
735)
736)
737)
738)
739)
740)
741)
742)
743)
744)
745)
746)
747)
748)
749)
750)
751)
752)
753)
754)
755)
756)
757)
758)
759)
760)
761)
762)
763)
764)
765)
766)
767)
768)
769)
770)
771)
772)
773)
774)
775)
776)
777)
778)
779)
780)
781)
782)
783)
784)
785)
786)
787)
788)
789)
790)
791)
792)
793)
794)
795)
796)
797)
798)
799)
800)
801)
802)
803)
804)
805)
806)
807)
808)
809)
810)
811)
812)
813)
814)
815)
816)
817)
818)
819)
820)
821)
822)
823)
824)
825)
826)
827)
828)
829)
830)
831)
832)
833)
834)
835)
836)
837)
838)
839)
840)
841)
842)
843)
844)
845)
846)
847)
848)
849)
850)
851)
852)
853)
854)
855)
856)
857)
858)
859)
860)
861)
862)
863)
864)
865)
866)
867)
868)
869)
870)
871)
872)
873)
874)
875)
876)
877)
878)
879)
880)
881)
882)
883)
884)
885)
886)
887)
888)
889)
890)
891)
892)
893)
894)
895)
896)
897)
898)
899)
900)
901)
902)
903)
904)
905)
906)
907)
908)
909)
910)
911)
912)
913)
914)
915)
916)
917)
918)
919)
920)
921)
922)
923)
924)
925)
926)
927)
928)
929)
930)
931)
932)
933)
934)
935)
936)
937)
938)
939)
940

BILL LOCKYER, Attorney General
of the State of California
STEPHEN A. MILLS, State Bar No. 54145
Deputy Attorney General
California Department of Justice
300 South Spring Street, Suite 1702
Los Angeles, CA 90013
Telephone: (213) 897-2539
Facsimile: (213) 897-2804

Attorneys for Complainant

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:)	STIPULATED SETTLEMENT
)	AND DISCIPLINARY ORDER
CHERI SUZANNE RITTER)	
5544 East Paradise Lane)	Case No. 2001-154
Scottsdale, AZ 85254)	
)	
Registered Nurse License No. 470357)	
)	
Respondent.)	

In the interest of a prompt and speedy settlement of this matter, consistent with the public interest and responsibility of the Board of Registered Nursing of the Department of Consumer Affairs, State of California ("Board"), the parties hereby agree to the following Stipulated Settlement and Disciplinary Order which shall be submitted to the Board for its approval and adoption as the Decision in Accusation Number 2001-154.

PARTIES

1. Complainant Ruth Ann Terry, M.P.H., R.N., is the executive officer of the Board and brought this action in her official capacity only, and is represented by Bill Lockyer, Attorney General, by Stephen A. Mills, Deputy Attorney General.

2. Respondent Cheri Suzanne Ritter is representing herself.

/ /

/ /

1 3. On or about August 31, 1991, the Board issued Registered Nurse license
2 No. 470357 to respondent. The license was in full force and effect at all times relevant hereto
3 and will expire on September 30, 2001, unless renewed.

4 **JURISDICTION**

5 4. Accusation No. 2001-154 was filed before the Board and is currently
6 pending against respondent. A copy of said Accusation is attached as Exhibit A and incorporated
7 by reference.

8 **ADVISEMENT AND WAIVERS**

9 5. Respondent is fully aware of her legal rights in this matter, including the
10 right to a hearing on the charges and allegations in the Accusation, the right to consult with, and
11 be represented by counsel at her own expense, the right to confront and cross-examiner witnesses
12 against her, the right to present evidence and to testify on her own behalf and to the issuance of
13 subpoenas to compel the attendance of witnesses and the production of documents,
14 the right to reconsideration and court review of an adverse decision, and all other rights accorded
15 to her by the California Administrative Procedure Act and other applicable laws.

16 6. Respondent voluntarily, knowingly, and intelligently waives and gives up
17 each and every right set forth above.

18 **CULPABILITY**

19 7. Respondent understands that the charges and allegations in the
20 Accusation, if proved at hearing, constitute cause for imposing discipline upon her license as a
21 Registered Nurse.

22 8. Respondent admits the truth of the allegations in paragraphs 9, 9A, 9B,
23 and 9C of Accusation No. 2001-154 and that cause for discipline exists. Respondent agrees that
24 her license is subject to discipline as set forth in the Order below.

25 **RESERVATION**

26 9. The admissions made by respondent herein are only for the purpose of this
27 proceeding, or any other proceedings in which the Board of Registered Nursing or other
28 professional agency and respondent are involved, and shall not be admissible in any other

1 criminal or civil proceedings. The admissions may be not used in proceedings against other
2 individuals.

3 CONTINGENCY

4 10. This Stipulation shall be subject to the approval of the Board. Respondent
5 understands and agrees that the Board's staff and counsel for complainant may communicate
6 directly with the Board regarding this Stipulated Settlement and Disciplinary Order, without
7 notice to or participation by Respondent or her counsel. If the Board fails to adopt this
8 Stipulation as its order, the Stipulation shall be of no force or effect, it shall be inadmissible in
9 any legal action between the parties, and the Board shall not be disqualified from further action
10 in this matter by virtue of its consideration of this Stipulation.

11 11. The parties agree that facsimile signatures to this stipulation shall have the
12 same force and effect as original signatures. The parties further agree that this Stipulation may
13 be signed in counterparts, each counterpart having the same effect as the original.

14 12. In consideration of the foregoing admissions and stipulations, the parties
15 agree that the Board may, without further notice or formal proceeding, issue and enter the
16 following disciplinary order:

17 DISCIPLINARY ORDER

18 13. Registered Nurse license no. 470357 issued to Cheri Suzanne Ritter is
19 hereby revoked. Said revocation is stayed, and said license is placed on probation to the Board
20 for a period of three (3) years, under the following terms and conditions:

21 **SEVERABILITY CLAUSE** - Each term and conditions of probation contained herein is a
22 separate and distinct term and condition. If any term and condition of this Order, or any
23 application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of
24 this Order, and all other applications thereof, shall not be affected. Each term and condition of
25 this Order shall separately be valid and enforceable to the fullest extent permitted by law.

26 **(1) OBEY ALL LAWS** - Respondent shall obey all federal, state, and local laws. A full and
27 detailed account of any and all violations of law shall be reported by the respondent to the Board
28 in writing within seventy-two (72) hours of occurrence. To permit the monitoring of compliance

1 with this term, respondent shall submit completed fingerprint cards and fingerprint fees within 45
2 days of the effective date of the decision, unless previously submitted as part of the licensure
3 application process. Respondent shall submit a recent 2" x 2" photograph of herself within 45
4 days of the effective date of the final decision.

5 **(2) COMPLY WITH PROBATION PROGRAM** - Respondent shall fully comply with the
6 terms and conditions of the Probation Program established by the Board and cooperate with
7 representatives of the Board in its monitoring and investigation of the respondent's compliance
8 with the Probation Program. Respondent shall inform the Board in writing within no more than
9 15 days of any address change and shall at all times maintain an active, current license status
10 with the Board, including during any period of suspension.

11 **(3) REPORT IN PERSON** - Respondent, during the period of probation, shall appear in person
12 at interviews/meetings as directed by the Board or its designated representatives.

13 **(4) RESIDENCY OR PRACTICE OUTSIDE OF STATE** - Respondent shall be bound by
14 the terms and conditions of the Disciplinary Order as of its effective date. However, the period
15 of probation shall be tolled, and the terms and conditions of the Disciplinary Order shall be
16 stayed until respondent enters the State of California to practice nursing at a future date, with the
17 exception of terms and conditions number 1, 4, 12 set forth herein, which shall not be stayed and
18 which shall be fully complied with by respondent during the entire length of the probationary
19 term. Respondent shall give written notice to the Board of respondent's intention to practice
20 nursing in California thirty days prior to engaging in any activity requiring a registered nurse
21 license issued by the Board. Failure to comply with the notice requirements shall constitute a
22 violation of probation and a basis for revoking probation and respondent's California registered
23 nurse license.

24 **(5) SUBMIT WRITTEN REPORTS** - Respondent, during the period of probation, shall
25 submit or cause to be submitted such written reports/declaration and verification of actions under
26 penalty of perjury, as required by the Board. These reports/declaration shall contain statements
27 relative to respondent's compliance with all the terms and conditions of the Board's Probation
28 //

1 Program. Respondent shall immediately execute all release of information forms as may be
2 required by the Board or its representatives.

3 **(6) FUNCTION AS A REGISTERED NURSE** - Respondent, during the period of probation,
4 shall engage in the practice of registered nursing in California for a minimum of 24 hours per
5 week for 6 consecutive months or as determined by the Board.

6 For purposes of compliance with the section, "engage in the practice of registered
7 nursing" may include, when approved by the Board, volunteer work as a registered nurse, or
8 work in any non-direct patient care position that requires licensure as a registered nurse.

9 The Board may require that advanced practice nurses engage in advanced practice nursing
10 for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

11 If respondent has not complied with this condition during the probationary term, and the
12 respondent has presented sufficient documentation of his or her good faith efforts to comply with
13 this condition, and if no other conditions have been violated, the Board, in its discretion, may
14 grant an extension of the respondent's probation period up to one year without further hearing in
15 order to comply with this condition.

16 **(7) EMPLOYMENT APPROVAL AND REPORTING REQUIREMENTS** - Respondent
17 shall obtain prior approval from the Board before commencing any employment, paid or
18 voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all
19 performance evaluations and other employment related reports as a registered nurse upon request
20 of the Board.

21 Respondent shall provide a copy of this decision to his or her employer and immediate
22 supervisor prior to commencement of any nursing or other health care related employment.

23 Respondent shall notify the Board in writing within seventy-two (72) hours after she
24 obtains any nursing or other health care related employment, when such employment is not as a
25 registered nurse. Respondent shall notify the Board in writing within seventy-two (72) hours
26 after she is terminated from any registered nursing, other nursing, or other health care related
27 employment with a full explanation of the circumstances surrounding the termination.

28 //

1 (8) **SUPERVISION** - Respondent shall obtain prior approval from the Board regarding
2 respondent's level of supervision and/or collaboration before commencing any employment as a
3 registered nurse.

4 Respondent shall practice only under the direct supervision of a registered nurse in good
5 standing (no current discipline) with the Board of Registered Nursing, unless alternative methods
6 of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are
7 approved.

8 Respondent's level of supervision and/or collaboration may include, but is not limited to
9 the following:

10 (a) Maximum - The individual providing supervision and/or collaboration is present in the
11 patient care area or in any other work setting at all times.

12 (b) Moderate - The individual providing supervision and/or collaboration is in the patient
13 care unit or in any work setting at least half the hours respondent works.

14 (c) Minimum - The individual providing supervision and/or collaboration has person-to-
15 person communication with respondent at least twice during each shift worked.

16 (d) Home Health Care - If respondent is approved to work in the home health care setting,
17 the individual providing supervision and/or collaboration shall have person-to-person
18 communication with respondent as required by the Board each work day. Respondent shall
19 maintain telephone or other telecommunication contact with the individual providing supervision
20 and/or collaboration as required by the Board during each work day. The individual providing
21 supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits
22 to patient's homes visited by the respondent with or without respondent present.

23 (9) **EMPLOYMENT LIMITATIONS** - Respondent shall not work for a nurse's registry, in
24 any private duty position as a registered nurse, a temporary nurse placement agency, or for an in-
25 house nursing pool:

26 Respondent shall not work for a licensed home health agency as a visiting nurse unless
27 the registered nursing supervision and other protections for home visits have been approved by

28 //

1 the Board. Respondent shall not work in any other registered nursing occupation where home
2 visits are required.

3 Respondent shall not work in any health care setting as a supervisor of registered nurses.
4 The Board may additionally restrict respondent from supervising licensed vocational nurses
5 and/or unlicensed assistive personnel on a case-by-case basis.

6 Respondent shall not work as a faculty member in an approved school of nursing or as an
7 instructor in a Board approved continuing education program.

8 Respondent shall work only on a regularly assigned, identified and predetermined
9 worksite(s) and shall not work in a float capacity.

10 If the respondent is working or intends to work in excess of 40 hours per week, the Board
11 may request documentation to determine whether there should be restrictions on the hours of
12 work.

13 **(10) COMPLETE A NURSING COURSE(S)** - Respondent, at his or her own expense, shall
14 enroll in and successfully complete a course(s) relevant to the practice of registered nursing no
15 later than six months prior to the end of her probationary term.

16 Respondent shall obtain prior approval from the Board before enrolling in the course(s).
17 Respondent shall submit to the Board the original transcripts or certificates of completion for the
18 above required course(s). The Board shall return the original documents to respondent after
19 photocopying them for its records.

20 **(11) COST RECOVERY** - Respondent shall pay to the Board costs associated with its
21 investigation and enforcement pursuant to Business and Professions Code section 125.3 in the
22 amount of three thousand, nine hundred dollars (\$3,900.00). Respondent shall be permitted to
23 pay these costs in a payment plan approved by the Board, with payments to be completed no later
24 than three months prior to the end of the probationary term.

25 **(12) VIOLATION OF PROBATION** - If the respondent violates the conditions of her
26 probation, the Board after giving the respondent notice and an opportunity to be heard, may set
27 aside the stay order and impose the stayed discipline (revocation/suspension) of the respondent's
28 license.

1 If during the period of probation, an Accusation or Petition to Revoke Probation has been
2 filed against respondent's license or the Attorney General's Office has been requested to prepare
3 an accusation or petition to revoke probation against the respondent's license, the probationary
4 period shall automatically be extended and shall not expire until the accusation or petition has
5 been acted upon by the Board. Upon successful completion of probation, the respondent's
6 license will be fully restored.

7 **(13) PHYSICAL EXAMINATION** - Within a reasonable time approved by the Board,
8 respondent, at her expense, shall have a licensed physician, nurse practitioner, or physician
9 assistant, who is approved by the Board before the assessment is performed, submit an
10 assessment of the respondent's physical condition and capability to perform the duties of a
11 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If
12 medically determined, a recommended treatment program will be instituted and followed by the
13 respondent with the physician, nurse practitioner, or physician assistant providing written reports
14 to the Board on forms provided by the Board.

15 If respondent is determined to be unable to practice safely as a registered nurse, the
16 licensed physician, nurse practitioner, or physician assistant making this determination shall
17 immediately notify both the Probation Monitor that she may not resume practice until notified in
18 writing by the Probation Monitor that she may engage in the practice of registered nursing.
19 During this period of suspension, respondent shall not engage in any practice for which a license
20 issued by the Board is required until the Probation Monitor has notified respondent that a
21 medical determination permits respondent to resume practice.

22 **(14) MENTAL HEALTH EXAM/SUBSTANCE ABUSE ASSESSMENT** - The respondent
23 shall, within a reasonable time approved by the Board, have a mental health examination
24 including psychological testing as appropriate to determine her capacity to perform the duties of
25 a registered nurse. The examination must be performed by a licensed psychiatrist, psychologist
26 or other mental health practitioner, approved by the Board, who has experience in the diagnosis
27 and treatment of chemical dependency and alcoholism. The examiner must submit a written
28 narrative report of the examination. All costs are the responsibility of the respondent.

1 If respondent is determined to be unable to practice safely as a registered nurse, the
2 licensed mental health care practitioner making this determination shall immediately notify both
3 the Probation Program and respondent of this determination by telephone and respondent shall
4 immediately cease practice and may not resume practice until notified in writing by the Probation
5 Monitor that she may engage in the practice of registered nursing. During this period of
6 suspension, respondent shall not engage in any practice for which a license issued by the Board
7 is required, until the Probation Monitor has notified respondent in writing that a mental health
8 determination permits respondent to resume practice.

9 If the examiner discovers that the respondent is or had been dependent upon drugs or
10 alcohol or has or had problems with drugs or alcohol (i.e., drug dependence in remission or
11 alcohol dependence in remission), then the respondent must further comply with the following
12 terms and conditions of probation:

13 **A. PARTICIPATE IN TREATMENT/REHABILITATION PROGRAM FOR**

14 **CHEMICAL DEPENDENCE** - Respondent, at her expense, shall successfully complete during
15 the probation period or shall have successfully completed prior to commencement of probation a
16 Board-approved treatment/rehabilitation program of at least six months. As required, reports
17 shall be submitted by the program on forms provided by the Board. If respondent has not
18 completed a Board-approved treatment/rehabilitation prior to commencement of probation,
19 respondent, within a reasonable time approved by the Board, shall be enrolled in a program. If a
20 program is not successfully completed within the first nine months of probation, the Board shall
21 consider respondent in violation of probation.

22 Based on Probation Program recommendation, each week respondent shall be required to
23 attend at least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics
24 Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and directed
25 by the Board. If a nurse support group is not available, an additional 12-step meeting or
26 equivalent shall be added. Respondent shall submit dated and signed documentation confirming
27 such attendance to the Board during the entire period of probation. Respondent shall continue

28 //

1 with the recovery plan recommended by the treatment/rehabilitation program or a license mental
2 health examiner and/or other ongoing recovery groups.

3 **B. ABSTAIN FROM USE OF PSYCHOTROPIC (MOOD-ALTERING) DRUGS** -

4 Respondent shall completely abstain from the possession, injection or consumption by any route
5 of all psychotropic (mood altering) drugs, including alcohol, except when the same are ordered
6 by a health care professional legally authorized to do so and are part of the documented medical
7 treatment. Respondent shall have sent to the Board, in writing and within fourteen (14) days, by
8 the prescribing physician or dentist, a report identifying the medication, dosage, the date the
9 medication was prescribed, the respondent's prognosis, the date the medication will no longer be
10 required, and the effect on the recovery plan, if appropriate.

11 Respondent shall identify for the Board a single physician, nurse practitioner or physician
12 assistant who shall be aware of respondent's history of substance abuse and will coordinate and
13 monitor any prescriptions for respondent for dangerous drugs, controlled substances or mood-
14 altering drugs. The coordinating physician, nurse practitioner, or physician assistant shall report
15 to the Board on a quarterly basis respondent's compliance with this condition. If any substances
16 considered addictive have been prescribed, the report shall identify a program for the time
17 limited use of any such substances.

18 The Board may require the single coordinating physician, nurse practitioner, or physician
19 assistant to be a specialist in addictive medicine, or to consult with a specialist in addictive
20 medicine.

21 **C. SUBMIT TO TESTS AND SAMPLES** - Respondent, at her expense, shall participate in a
22 random, biological fluid testing or a drug screening program which the Board approves. The
23 length of time and frequency will be subject to approval by the Board. The respondent is
24 responsible for keeping the Board informed of respondent's current telephone number at all
25 times. Respondent shall also ensure that messages may be left at the telephone number when she
26 is not available and ensure that reports are submitted directly by the testing agency to the Board,
27 as directed. Any confirmed positive findings shall be reported immediately to the Board by the
28 program and the respondent shall be considered in violation of probation.

1 In addition, respondent, at any time during the period of probation, shall fully cooperate
2 with the Board or any of its representatives, and shall, when requested, submit to such tests and
3 samples as the Board or its representative may require for the detection of alcohol, narcotics ,
4 hypnotics, dangerous drugs, or other controlled substances.

5 If a respondent has a positive drug screen for any substance not legally authorized and not
6 reported to the coordinating physician, nurse practitioner, or physician assistant, and the Board
7 files a petition to revoke probation or an accusation, the Board may suspend respondent from
8 practice pending the final decision on the Petition to Revoke Probation or the Accusation.

9 **D. THERAPY OR COUNSELING PROGRAM** - Respondent, at her expense, shall
10 participate in an on-going counseling program until such time as the Board releases her from this
11 requirement and only upon recommendation of the counselor. Written progress reports from the
12 Counselor will be required at various intervals.

13 **ACCEPTANCE**

14 I have carefully read the above Stipulated Settlement and Disciplinary Order. I
15 understand the effect this Stipulation will have on my registered nurse license. I enter into this
16 Stipulated Settlement voluntarily, knowingly, and intelligently and agreed to be bound by the
17 Disciplinary Order and Decision of the California Board of Registered Nursing.

18 DATED: 10/7/01

19
20 
21 CHERI SUZANNE RITTER
Respondent

22 //

23 //

24 //

25 //

26 //

27 //

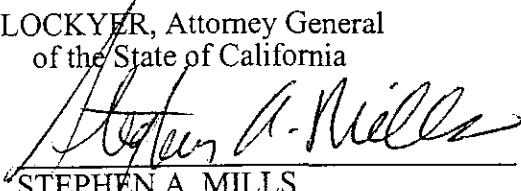
28

1 **ENDORSEMENT**

2 The foregoing Stipulated Settlement and Disciplinary Order is submitted for
3 consideration by the Board of Registered Nursing, Department of Consumer Affairs, State of
4 California.

5 BILL LOCKYER, Attorney General
of the State of California

6
7 DATED: 10/30/01

By 
STEPHEN A. MILLS
Deputy Attorney General

8
9 Attorneys for Respondent

10
11
12
13
14 SAM:shp
03579110-LA2000AD0427

15 i:\al\Parker\ritter.stipulatedsettlement.2

16 a:\mills.ritter
17
18
19
20
21
22
23
24
25
26
27
28

Exhibit A

Accusation No. 6297

BILL LOCKYER, Attorney General
of the State of California
STEPHEN A. MILLS, State Bar No. 54145
Deputy Attorney General
California Department of Justice
300 South Spring Street, Suite 1702
Los Angeles, California 90013
Telephone: (213) 897-2539
Facsimile: (213) 897-2804

Attorneys for Complainant

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 2001-154

CHERI SUZANNE RITTER
5544 East Paradise Lane
Scottsdale, AZ 85254

ACCUSATION

Registered Nurse License No. 470357

Respondent.

Complainant alleges:

PARTIES

1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation solely in her official capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs, State of California.
2. On or about August 31, 1991, the Board of Registered Nursing ("Board") issued Registered Nurse License Number 470357 to Cheri Suzanne Ritter ("Respondent"). The license was in full force and effect at all times relevant to the charges brought herein and will expire on September 30, 2001, unless renewed.

STATUTORY PROVISIONS

3. Section 2750 of the Business and Professions Code ("Code") states, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary

1 or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the
2 Nursing Practice Act.

3 4. Section 2764 of the Code states, in pertinent part, that the expiration of a
4 license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding
5 against the licensee or to render a decision imposing discipline on the license.

6 5. Section 2811(b) of the Code states, in pertinent part, that the Board may
7 renew an expired license at any time within eight years after the expiration.

8 6. Section 2761 of the Code states:

9 The board may take disciplinary action against a certified or licensed nurse or deny
10 an application for a certificate or license for any of the following:

11 (a) Unprofessional conduct, . . .

12

13 (f) Conviction of a felony or of any offense substantially related to the
14 qualifications, functions, and duties of a registered nurse, in which event the record of the
15 conviction shall be conclusive evidence thereof.

16 7. Section 490 of the Code states:

17 A board may suspend or revoke a license on the ground that the licensee has been
18 convicted of a crime, if the crime is substantially related to the qualifications, functions, or
19 duties of the business or profession for which the license was issued. A conviction within
20 the meaning of this section means a plea or verdict of guilty or a conviction following a
21 plea of nolo contendere. Any action which a board is permitted to take following the
22 establishment of a conviction may be taken when the time for appeal has elapsed, or the
23 judgment of conviction has been affirmed on appeal, or when an order granting probation
24 is made suspending the imposition of sentence, irrespective of a subsequent order under
25 the provisions of Section 1203.4 of the Penal Code.

26 8. Section 125.3 of the Code states, in pertinent part, that a Board may
27 request the administrative law judge to direct a licensee found to have committed a violation or

28 ///

1 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
2 and enforcement of the case.

3 FIRST CAUSE FOR DISCIPLINE

4 (Convictions)

5 9. Respondent is subject to disciplinary action under Code sections 2761(f)
6 and 490 in that she was convicted of the following crimes which are substantially related to the
7 qualifications, functions and duties of a registered nurse:

8 a. On or about March 6, 1998, respondent was found guilty by the
9 court of violating Penal Code section 460(b) (second degree burglary) on a plea of nolo
10 contendere in the Kern County Superior Court, Bakersfield District, Case Number SC073169B
11 (and Kern County Municipal Court, Bakersfield District, Case Number BF084709B), entitled
12 *People v. Stephen George Page (also known as Robert Newhouse) and Cheri Suzanne Ritter*.
13 The circumstances of the crime were that on or about February 18, 1998, Respondent and
14 Stephen George Page attempted to purchase cellular phone service at a Walmart store on White
15 Lane in Bakersfield, California, by impersonating another person and using forged identification.

16 b. On or about September 22, 1995, Respondent was convicted by the
17 Court on a plea of nolo contendere of violating Penal Code section 476a(a) (non-sufficient fund
18 check, multiple checks) a felony, in the Los Angeles County Superior Court, Case Number
19 MA010824, entitled *People v. Cheri Suzanne Ritter*. The circumstances of the crime were that
20 on or about September 5, 1995, respondent purchased or attempted to purchase merchandise
21 from Gottschalks in Palmdale, California, with non-sufficient fund checks on an account which
22 was closed.

23 c. On or about December 14, 1994, Respondent was convicted by the
24 Court on a plea of nolo contendere of violating Penal Code section 470 (forgery of a fictitious
25 check), a felony, in the Los Angeles County Municipal Court, Antelope Judicial District, Case
26 Number MA008965, entitled *People v. Cheri Suzanne Ritter*. The circumstances of the crime
27 were that on or about September 28, 1994, Respondent attempted to cash a fictitious check for
28 \$2,800.57 in Palmdale, California.

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

1. Revoking or suspending Registered Nurse License Number 470357, issued to Cheri Suzanne Ritter; .

3. Taking such other and further action as deemed necessary and proper.

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

Complainant